

EXTENSION OF ELEVENTH STREET NW.

JUNE 3, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. BABCOCK, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 10474.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10474) for the extension of Eleventh street NW., after careful consideration of the matter, report the bill back to the House with the recommendation that it do pass with the following amendments:

Page 1, line 7, strike out the word "Princeton" and insert in lieu thereof the word "Harvard."

Page 1, lines 8, 9, and 10, strike out the following words: "on deflected lines running parallel with the lines of Sherman avenue to Lydecker avenue," and insert in lieu thereof the following words: "in a straight line to Lydecker avenue, joining said avenue with its center line opposite the center line of Eslin avenue."

Page 3, line 24, after the word "Columbia" insert the following clause: "and a sufficient sum to pay such judgment and award is hereby appropriated out of the revenues of said District."

The object of the proposed bill is to extend Eleventh street NW. from Florida avenue, its present terminus, to Lydecker avenue, and here it will be directly opposite to and connect with Eslin avenue, an existing avenue. The proposed extension will be 4,300 feet in length, or nearly three-quarters of a mile. The width of the proposed street is to be 90 feet, and the approximate area necessary to be taken for the opening of the street will be about 370,680 square feet, as computed by the Engineer Commissioner.

Eslin avenue, with which avenue Eleventh street will connect when opened, is 50 feet wide, with a 10-foot parking reservation on either side, and extends northwardly a distance of 1,080 feet to Spring road, an important suburban road running east and west a long distance.

The necessity for the opening of Eleventh street as provided in the bill is as follows:

That section of the District which lies north of Florida avenue and between Seventh and Fourteenth streets (which streets are about 2,600 feet, or more than half a mile, apart) contains a large population, and is

improved by numerous residences and rows of substantial houses, but it has practically no communication with the city except by way of Fourteenth street, Seventh street, or Sherman avenue.

The grade of Thirteenth street immediately north of Florida avenue is so heavy as to make that street as a thoroughfare practically useless. Twelfth street does not extend north of Florida avenue.

Sherman avenue is distant from Seventh street only about 780 feet, and is so narrow that it is entirely inadequate for a thoroughfare for this large section of the District.

Eleventh street, extended as proposed, will go through the center of the territory referred to; will be about equally distant from Seventh and Fourteenth streets; and there will thus be provided a direct highway to a very large and populous neighborhood. Eleventh street will have a moderate grade, on the average of about 3 per cent, making it capable of being well and easily drained.

The cost of the land necessary to be condemned to open this street has been figured by the Commissioners at an estimated price of 70 cents per square foot, or \$259,476; estimated cost of improvements, \$50,000; total, \$309,476.

The estimated cost does not allow for court expenses, nor is any deduction made on account of the assessment of possible benefits.

The price of 70 cents per square foot was arrived at by the Commissioners from a knowledge of prices obtained at recent sales made on Thirteenth street and on Sherman avenue, an average being taken of the two to get an idea of the price in the center. The average thus arrived at is slightly lower than prices asked for the land in the line of Eleventh street extended, but it is believed to be reasonable. The estimated cost of the improvements is based on the statement of a real estate agent having knowledge of the property.

The land to be condemned is likely to appreciate in value, and probably can not hereafter be acquired except at greatly increased cost. For this reason, and also for the reason that the land through which the street as extended will pass is now unimproved and will not involve or require the condemnation of any house or houses, it is important that the extension be made at once. The committee are informed that in respect to some of the required ground the right of way will be donated.

In respect to the proceedings for condemnation, the bill provides that they shall be pursuant to those provisions of the Revised Statutes of the United States relating to the District of Columbia, which provide for the condemnation of highways, roads, and bridges, and provide that the jury in making their decision shall take into consideration the resulting benefits.

The law under which condemnation proceedings will be instituted is as follows (chapter 11, secs. 257 to 267, both inclusive):

SEC. 257. If any owner of land shall object and claim damages, and the amount can not be agreed upon, the proper authorities shall direct the marshal of the District to summon a jury of seven judicious disinterested men, not related to any party interested, to be and appear on the premises on a day specified, to assess the damages, if any, which each owner of land through which the road is to pass may sustain by reason thereof.

SEC. 258. It shall be the duty of the marshal, upon receiving the order mentioned in the preceding section, to give the owners not less than ten days' notice of the time and place of the meeting of the jury to assess their damages.

SEC. 259. In cases where notice can not be served on the owner, and in all cases where the land through which it is proposed to run a road shall belong to a minor or minors, it is presumed that objection is made, and damages shall be assessed accordingly.

SEC. 260. The marshal shall summon the jury and administer an oath or affirmation to them that they will, without favor or partiality to anyone, to the best of their judgment, decide what damage, if any, each owner may sustain by reason of running the road through his premises.

SEC. 261. In making their decision the jury shall take into consideration the benefit such road may be to each owner by enhancing the value of his land, or otherwise, and shall give their verdict accordingly.

SEC. 262. The jury, having been upon the premises and assessed the damages, shall make out a written verdict, to be signed by them or a majority of them, and attested by the marshal, which the marshal shall transmit to the proper authorities at their next meeting, and which shall be recorded.

SEC. 263. If the proper authorities or any owners of the land are dissatisfied with the verdict thus rendered, and no arrangements being made between them, the marshal shall be ordered to summon a second jury of twelve judicious, disinterested men, not related to any one interested, to meet and view the premises, giving the parties interested at least ten days' notice of the time and place of meeting. And the marshal and jury shall proceed as before directed in regard to the first jury.

SEC. 264. The verdict of the second jury, signed by each of the jurors, or a majority of them, shall be returned to the proper authorities at their next meeting and recorded as final and conclusive, and the road shall then be declared a public road, and opened as such.

SEC. 265. In all cases where it becomes necessary to summon a second jury to assess damages, if the amount assessed by the second jury shall not be greater than the amount assessed by the first, the costs of the second jury shall be paid by the parties objecting to the first verdict; but if greater, they shall be paid by the District. All expenses up to the second jury shall be paid by the District.

SEC. 266. The following fees are payable under the provisions of this chapter: Marshal's fees—for summoning each juror the marshal shall be entitled to fifty cents; for travel, per mile, going and coming to the premises to be examined, twelve and a half cents; for each day's attendance, two dollars and fifty cents. Juror's fees—for each day's attendance, two dollars.

SEC. 267. In any case where materials of any kind shall be deemed necessary for making or repairing a public road, if the proper authorities can not agree with the owner as to their purchase, such materials may be condemned in the same manner as provided for in this chapter in cases of condemnation of land for the purposes of a public road.

The committee consider that the entire cost of the extension of this street should be borne by the District of Columbia, and the bill provides that the expense shall be paid out of the revenues of the District.

The existence of the highway act has, during the last five years, effectually blocked the way to the extension of any particular street, however desirable such extension was thought to be.

The House of Representatives voted to repeal this act on May 9, 1898, and the time now seems opportune to make an effort to extend to the north, beyond the present city limits, some of the main thoroughfares which are plainly necessary, and which are demanded for the use and convenience of the residents of the District.

For the extension of Eleventh street as now proposed there is a special need, and this action is urged by the residents of that section of the District.

Your committee incorporates as a part of its report a communication from the Commissioners of the District of Columbia, favoring the passage of this bill, also a communication from the president of the Columbia Heights Citizens' Association.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 27, 1898.

DEAR SIR: The Commissioners have the honor to submit the following on bill H. R. 10474, Fifty-fifth Congress, second session, for the extension of Eleventh street northwest, referred to them by your committee for examination and report:

The object of the bill is to extend Eleventh street northwest from Florida avenue to Lydecker avenue, and as the desirability of the extension was fully discussed in

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connection with recent bills for additional street railway facilities for Columbia Heights and vicinity, it is considered unnecessary to go into that question further at this time, but simply to confine this report to the location of the proposed extension.

The bill proposes to extend the street north in a direct line as far as Princeton street, thence deflecting west and running parallel to Sherman avenue to Lydecker avenue, striking said avenue about midway between Morgan and Eslin avenues.

The Commissioners recommend that the street be extended in a direct line as far north as Harvard street, and then deflected to the west and run in a straight line to Eslin avenue.

The reasons for this change are:

(1) To avoid certain improvements in the block between Princeton and Harvard streets, and to reduce the expense to this extent;

(2) To give a direct connection with Eslin avenue, thus making a continuous north and south street with its many advantages over one ending abruptly at Lydecker avenue; and

(3) To make a better division of the blocks between Thirteenth street and Sherman avenue.

From the best data obtainable the estimated cost of the extension is as follows, there being practically no difference in the cost of the extension as proposed in the bill and as recommended by the Commissioners:

Land	\$260, 000
Improvements	50, 000
Total	310, 000

In accordance with the views expressed above, the Commissioners have the honor to recommend that the bill be amended as follows, and that a favorable report be made thereon:

Section 1, line 7, strike out the word "Princeton" and insert in lieu thereof the word "Harvard."

Section 1, lines 8, 9, and 10, strike out the words "on deflected lines, running parallel with the lines of Sherman avenue to Lydecker avenue" and insert in lieu thereof the words "in a straight line to Lydecker avenue, joining said avenue with its center line opposite the center line of Eslin avenue," so that the route shall read: "From Florida avenue to Harvard street, and thence with the same width and in a straight line to Lydecker avenue, joining said avenue with its center line opposite the center line of Eslin avenue."

A copy of the bill with the proposed amendments noted therein is inclosed. A blue print is also inclosed, showing the route proposed by the bill and the route recommended by the Commissioners.

Very respectfully, yours,

JOHN W. ROSS,

President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia, House of Representatives.

WASHINGTON, D. C., June 1, 1898.

DEAR SIR: I have the honor to advise you that at a meeting of the executive committee of the Columbia Heights Citizens' Association, held on the 31st day of May, 1898, I was authorized and requested to say to you, on behalf of said association, that the House bill (H. R. 10474) to open Eleventh street from Florida avenue to Lydecker street fully meets with the approval of the citizens of Columbia Heights and vicinity, and that the association wishes you success in passing same; that no legislation could be more appreciated than such as is proposed by said bill. It is not only desirable that said Eleventh street should be opened, but in a short time it will be absolutely necessary for the safety and comfort of the public, as in that section, between Seventh and Fourteenth streets, we have only two streets, and one of these, Thirteenth street, is dangerous and impassable by reason of the steep grade at Thirteenth and Boundary streets, so that anyone can see that with practically only one street, Sherman avenue (which is very narrow), where we should have six to correspond with the city, what will be the consequence in a few years.

Fully recommending said bill and urging the necessity of its early passage,

I remain, very truly, yours,

LEO SIMMONS,

President Columbia Heights Citizens' Association.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia.

MARY A. TAYLOR.

JUNE 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10158.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10158) granting a pension to Mary A. Taylor, have examined the same and all the evidence and most respectfully report:

This bill, as amended, proposes to pension at \$12 per month Mary A. Taylor, of Frankfort, Ky., the widow of Robert B. Taylor, who is alleged to have been a captain in the Thirty-second Kentucky Infantry. A report from the office of the adjutant-general of the State of Kentucky, dated February 21, 1888, shows that it appears from the muster-out roll on file in that office that Robert B. Taylor was enrolled on the 7th of August, 1862, mustered into service on the 4th of September, 1862, as captain of Captain Taylor's company, Thirty-second Kentucky Infantry, and that he was wounded at the battle of Perryville, Ky., October 8, 1862. In another report from the same office, dated August 30, 1888, it appears that he was wounded as above stated, and resigned November 15, 1862, on account of such wounds.

It appears from a report from the Assistant Adjutant-General of the United States that Capt. R. B. Taylor's company was recruited for the Thirty-second Kentucky Volunteer Infantry, which cooperated with United States troops and was in action at Perryville, Ky., October 8, 1862, in which engagement Captain Taylor was wounded. It further appears that the name of R. B. Taylor is not borne on any rolls of the Thirty-second or the Twenty-second Kentucky Volunteers on file in the office of the Adjutant-General, and the Second Auditor for the Treasury reports that there is no record of payment to him as an officer of either regiment. This is not strange, as he was wounded and quit the service, as stated.

A claim was filed under the general pension law by Mary A. Taylor, as the widow of Robert B. Taylor, but it was rejected December 31, 1894, on the ground that claim was not prosecuted to a successful issue prior to July 4, 1874, under the provisions of paragraph 3, section

4693, Revised Statutes, United States. It appears from the records of the War Department that soldier was not in the service of the United States. The reason why he was not is above set forth.

An appeal was taken to the Secretary of the Interior, and the action of the office in the rejection of the claim was sustained on the ground that organization to which said Robert B. Taylor belonged was not accepted into the service of the United States until after he had incurred the injuries which are alleged to have caused his death. This was no fault of his.

The evidence tends to show that at the battle of Perryville, Ky., in 1862, R. B. Taylor was wounded by concussion of a shell in the head, and in the arm by gunshot, and that he afterwards became demented. He appears to have been put in an insane asylum and to have died there in 1888, from cerebral hemorrhage, due to the disease of the brain of long standing.

This claimant's husband was actually wounded and injured in battle, fighting for his country after enlistment, but before muster into the United States service, and because of such wounds and injury he was never mustered into the service, and if it can be satisfactorily shown that his death was due to wounds or injuries received in the battle of Perryville, Ky., October 8, 1862, his widow should be pensioned, and since that is not fully shown, the bill is so amended as to give her pensionable status and \$12 per month, and upon proving at the Pension Office that soldier's death was due to such wound and injury, her pension can be increased to \$20 per month, total of the rank of her husband.

The bill is reported back with the recommendation that it pass when amended as follows:

After "hereby," line 3, insert "authorized and."

After "roll," line 4, insert "subject to the limitations and provisions of the pension laws."

In line 5 strike out "of Frankfort, Kentucky."

In line 6 strike out "of company."

In line 7 strike out "twenty" and insert "twelve" in lieu thereof.